

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 22, 1996
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:11 a.m. Mayor Golding recessed the regular meeting at 10:16 a.m. to convene the Housing Authority.

The meeting was reconvened by Mayor Golding at 10:23 a.m. with all Council Members present. Deputy Mayor Stallings adjourned the meeting at 12:35 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Mathis-present
 - (2) Council Member Wear-present
 - (3) Council Member Kehoe-present
 - (4) Council Member Stevens-present
 - (5) Council Member Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (lh)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, October 22, 1996

Page 2

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: NONE

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

ITEM-CC-1:

Mayor Golding commented on the fires throughout the county and gave information regarding the Red Cross for anyone who can help in the relief efforts. She said the City of San Diego has not been affected by the fires, but we do have 22 engines and 4 Battalion Chiefs assisting in Carlsbad, Otay, Rincon, and Malibu.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A012-021.)

ITEM-330:

SUBJECT: Resolution of Intention for the Little Italy and Pacific Beach Business Improvement Districts (BIDS) Formation.

(Centre City, Mission Beach and Pacific Beach Community Areas. Districts-2, 3 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-390 COR. COPY 10/22/96) ADOPTED AS
RESOLUTION
R-287950

Resolution of Intention to establish the Little Italy
Business Improvement District pursuant to the Parking
and Business Improvement Law of 1989.

Subitem-B: (R-97-392 COR. COPY 10/22/96) ADOPTED AS
RESOLUTION
R-287951

Resolution of Intention to establish the Pacific Beach
Business Improvement District pursuant to the Parking
and Business Improvement Law of 1989.

CITY MANAGER SUPPORTING INFORMATION:

The City Council recognizes the usefulness of Business Improvement Districts (BIDs) in the revitalization of older commercial neighborhoods. There are currently 14 active districts in the City of San Diego where the merchants assess themselves to provide for business development and marketing activities as well as streetscaping and other physical improvements in their respective areas. Pursuant to Council Policy 900-7, both Little Italy and Pacific Beach Business Improvement Formation Committees have garnered approximately twenty percent support from the affected businesses for establishment of the districts. The committees requested a waiver from the policy requiring that the Office of Small Business conduct a mailed ballot election to determine if 50 percent of the businesses supported formation, and to move directly to the public meeting and hearing required by State law. This item will be heard by the Rules Committee on October 21, 1996. The public meeting required by State law will be held on November 19, 1996 and the public hearing will be held on December 10, 1996. This action would constitute the final hearing on the matter, establish the district and authorize the Manager to enter into an agreement with the respective business associations to administer the districts. The Small Business Advisory Board has heard the issue and recommends establishment of the districts. The Business Improvement District Council (BIDC) recommends establishment of the districts.

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, October 22, 1996**

Page 4

FILE LOCATION: Subitem A: STRT - L-17, Subitem B:
STRT - L-16

COUNCIL ACTION: (Tape location: A131-170.)

Hearing began at 10:23 a.m. and halted at 10:26 a.m.

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Vacating portions of J Street and Front Street.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-261 COR. COPY) ADOPTED AS RESOLUTION R-287952

Vacating J Street west of 1st Avenue and Front Street north of J Street, under the procedure for the summary vacation of streets;

Reserving and excepting from the foregoing vacation the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature;

Declaring that the easements reserved herein are in, under, over, upon, along and across Front Street, north of J Street.

CITY MANAGER SUPPORTING INFORMATION:

The vacation of a portion of J Street and Front Street has been requested by the Centre City Development Corporation to accommodate the construction of Children's Park. The segment of J Street proposed for vacation combined with the segment of Front Street totals .22 acres and are zoned Marina Planned District - Area H. The portion of J Street proposed for vacation contains a

27-inch sewer main for which a 25-foot-wide sewer easement will be reserved from the vacation areas. The vacation of a portion of Front Street and a portion of J Street (parcel "A" and parcel "B" of Drawing No. 18404-1-B, respectively) will revert under one ownership to the Centre City Development Corporation. Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made.

FILE LOCATION: STRT J-2855 DEEDFY97-1

COUNCIL ACTION: (Tape location: A131-170.)

Hearing began at 10:23 a.m. and halted at 10:26 a.m.

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: CONTINUED TO TUESDAY, NOVEMBER 12, 1996

SUBJECT: Three actions related to the Del Mar Mesa (Subarea V of the North City Future Urbanizing Area) Facilities Benefit Assessment.

(See City Manager Report P96-177; LU&H Committee Consultant Analysis LUH-96-5; Public Facilities Financing Plan and Facilities Benefit Assessment Draft; Errata. North City Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-86 Cor. Copy)

Designating an area of benefit in Del Mar Mesa (Subarea V of the North City Future Urbanizing Area) and the boundaries thereof; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for

apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of the Del Mar Mesa (Subarea V of the North City Future Urbanizing Area) Facilities Benefit Assessment Area.

Subitem-B: (R-97-87)

Rescinding the existing North City Future Urbanizing Area Interim Development Impact Fees within Del Mar Mesa (Subarea V);

Declaring that the assessment fee schedule contained in the Del Mar Mesa (Subarea V of the North City Future Urbanizing Area) Public Facilities Financing Plan, as adopted and approved in Resolution No. R-287766, is an appropriate and applicable development impact fee.

Subitem-C: (R-97-93)

Authorizing the Auditor and Comptroller to establish the Del Mar Mesa Facilities Benefit Assessment Fund.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/17/96, LU&H voted 4-0 to approve the City Manager's option 2b, which includes:

- a. Approve the City Manager's recommendations;
- b. Reduce by 20 percent the Open Space Acquisition Fee for any projects in the A-1-1 zone developing at a density no greater than their underlying zone;
- c. Revise Project 43-3 "Shaw Ridge Road - Carmel Country Road to Camino Santa Fe" from "Subdivider" to "FBA" obligation;
- d. Delete Project 43-11 "Hiking/Equestrian Trail - Shaw Valley."

(Councilmembers Mathis, Wear, Stevens and McCarty voted yea. Councilmember Warden not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A022-045.)

MOTION BY MATHIS TO CONTINUE THIS ITEM FOR THREE WEEKS AT THE REQUEST OF THE CITY MANAGER TO WORK ON THE SHAW RIDGE ROAD ISSUES. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

(Continued from the meeting of October 8, 1996, Item 331, at the City Manager's request, for further review.)

SUBJECT: Three actions related to the Torrey Highlands (Subarea IV) of the North City Future Urbanizing Area Public Facilities Financing Plan and Development Impact Fees.

(See City Manager Report No. P96-225. North City Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-308) ADOPTED AS RESOLUTION R-287953

Approving the document entitled "Torrey Highlands (Subarea IV) of the North City Future Urbanizing Area Public Facilities Financing Plan and Development Impact Fee, September, 1996," and ordering fees to be imposed and collected.

Subitem-B: (R-97-309) ADOPTED AS RESOLUTION R-287954

Rescinding the existing Interim North City Future Urbanizing Development Impact Fees within Torrey Highlands (Subarea IV).

Subitem-C: (R-97-310) ADOPTED AS RESOLUTION R-287955

Authorizing the City Auditor to establish the Torrey

Highlands Development Impact Fee fund.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/18/96, LU&H voted 4-0 to approve the City Manager's recommendation. Councilmembers Mathis, Stevens, Warden and McCarty voted yea. Councilmember Wear not present.

FILE LOCATION: Subitems A,B,C: LAND - North City Future
Urbanizing Area

COUNCIL ACTION: (Tape location: A131-170.)

Hearing began at 10:23 a.m. and halted at 10:26 a.m.

CONSENT MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: CONTINUED TO TUESDAY, OCTOBER 29, 1996

SUBJECT: Three actions related to the North City Future Urbanizing Area Subarea II Public Facilities Financing Plan and Development Impact Fees.

(See City Manager Report No. P96-239; Councilmember Mathis's memo dated October 8, 1996; Theodore Griswold's letter dated 10/9/96; Roy Collins's letter dated 10/8/96. North City Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-394 Cor. Copy)

Approving the document entitled "North City Future Urbanizing Area Subarea II Public Facilities Financing Plan and Development Impact Fee, October, 1996" and ordering fees to be imposed and collected; declaring that the fees shall not be imposed or collected until

such time as one of the following tentative maps is fully and finally approved: TM-93-0441, TM-95-0197 or TM-95-0196, which approval includes a Phase Shift, if necessary.

Subitem-B: (R-97-395 Cor. Copy)

Rescinding the existing Interim North City Future Urbanizing Development Impact Fees within Subarea II, effective at such time as any one of the following tentative maps are fully and finally approved: TM-93-0441, TM-95-0197 or TM-95-0196, which approval includes a Phase Shift, if necessary.

Subitem-C: (R-97-396)

Authorizing the City Auditor to establish the Subarea II North City Future Urbanizing Area Development Impact Fee fund.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/9/96, LU&H voted 4-0 to accept the City Manager's report, forward the matter to the City Council with no recommendation, and direct the City Manager to address Councilmember Mathis's and the public's concerns at the City Council hearing. Motion made by Councilmember Stevens, Second by Councilmember Warden. (Councilmembers Mathis, Stevens, Warden and McCarty voted yea. Councilmember Wear not present.)

NOTE: This is a companion item to the Stallions Crossing Projects. See Items 335, 336 and 337 on today's docket.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: D103-112.)

ITEM-335:

SUBJECT: The Villas at Stallions Crossing Project.

Consideration of an amendment to the General Plan, NCFUA Framework Plan and Local Coastal Program; a Rezone; a Vesting Tentative Map; a Planned Residential

Development Permit; a Resource Protection Resource Ordinance Permit and a Public Facilities Financing Plan. (NCFUA Subarea II.)

The project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program, and the City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. The project is also located within the North City Future Urbanizing Area which requires voter approval of proposed amendments to the City's Progress Guide and General Plan to change land use designations from Future Urbanizing to Planned Urbanizing within the NCFUA. As a result, the decision of the City Council and that of the Coastal Commission are subject to the results of the ballot initiative in November.

(Case-GPA/FPA/LCP/RZ/VTM/RPO/PFFP-95-0197.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems AA, CC, DD, EE and introduce the ordinance in Subitem BB:

Subitem-AA: (R-97-423) ADOPTED AS RESOLUTION R-287956

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-95-0197 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines. Directing the City Manager to return with appropriate findings, and if necessary, Statement of Overriding Considerations and Mitigation, Monitoring, and Reporting Program.

Subitem-BB: (O-97-57) INTRODUCED, TO BE ADOPTED
NOVEMBER 12, 1996

Introduction of an Ordinance for R1-5000 zoning
(subject to a phase shift).

Subitem-CC: (R-97-422) ADOPTED AS RESOLUTION R-287957

Adoption of a Resolution approving a reduced project alternative for permits, and requiring the applicant to work with the Development Services in the appropriate revision of said permits.

Subitem-DD: (R-97-421) ADOPTED AS RESOLUTION R-287958

Adoption of a Resolution approving a reduced project for the map, and requiring the applicant to work with Development Services in the appropriate revision of said map.

Subitem-EE: (R-97-433) ADOPTED AS RESOLUTION R-287959

Adoption of a Resolution amending the Framework Plan as proposed by the City Manager.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0 to conditionally approve; was opposition. Refer to the Commissioner's Report in backup.

Ayes: Anderson, Butler, Quinn, Skorepa, Watson, White
Not Present: Neils

There is no officially recognized community planning group for this area. The Planning Commisison acts as the Community Group.

SUPPORTING INFORMATION:

The project site is located immediately east of El Camino Real, south of Via de la Valle between San Dieguito Road and Derby Downs Road, and north of the community of Carmel Valley in the City of San Diego.

FILE LOCATION: Subitems AA,CC,DD,EE: LAND - NCFUA
Subarea II; Subitem BB: NONE.

COUNCIL ACTION: (Tape location: A190-B458.)

Hearing began at 10:27 a.m. and halted at 11:29 a.m.

Testimony in opposition by Anne Harvey, Jan Fuchs, Opal Trueblood, Silvia Troy, Lee Harvey, Craig Adams, Ramona Salisbury, David Kreitzer, Margaret Schlesinger, and Marion Dodson.

Testimony in favor by Jack Gibson and Roy Collins.

MOTION BY MATHIS TO ACCEPT THE MANAGER'S REDUCED PROJECT ALTERNATIVE, THEREBY ADOPTING SUBITEMS AA,CC, DD, AND EE, AND INTRODUCING SUBITEM BB. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-nay, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: CONTINUED TO TUESDAY, OCTOBER 29, 1996

SUBJECT: The Ranch at Stallions Crossing Project.

Consideration of an amendment to the General Plan, NCFUA Framework Plan and Local Coastal Program; a Vesting Tentative Map; a Planned Residential Development Permit; a Resource Protection Ordinance Permit and a Public Facilities Financing Plan. (NCFUA Subarea II.)

The project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on the project will be with the California Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

(Case-GPA/FPA/LCP/RZ/VTM/RPO/PFFP-93-0441.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems AA - DD and introduce the ordinance in Subitem EE:

Subitem-AA: (R-97-418)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-93-0441 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines. Directing the City Manager to return with

appropriate findings, and if necessary, Statement of
Overriding Considerations, and Mitigation, Monitoring,
and Reporting Program.

Subitem-BB: (R-97-434)

Adoption of a Resolution amending the Framework Plan as
proposed by the City Manager.

Subitem-CC: (R-97-417)

Adoption of a Resolution approving a reduced project
alternative for the Vesting Tentative Map, and
requiring the applicant to work with Development
Services in the appropriate revision of said map, with
appropriate findings to support Council action.

Subitem-DD: (R-97-419)

Adoption of a Resolution approving a reduced project
alternative for the permits, and requiring the
applicant to work with Development Services in the
appropriate revision of said permits, with appropriate
findings to support Council action.

Subitem-EE: (O-97-59)

Introduction of an Ordinance approving the transfer of
37 dwelling units of existing development rights from
City Water Utilities owned land in San Pasqual.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0 to conditionally approve; was
opposition. Refer to the Commissioner's Report in backup.

Ayes: Anderson, Butler, Quinn, Skorepa, Watson, White
Not Present: Neils

There is no officially recognized community planning group for
this area. The Planning Commission acts as the Community Group.

SUPPORTING INFORMATION:

The project site is located immediately west of El Camino Real,
south of Via de la Valle between San Dieguito Road and Derby

Downs Road, and north of the community of Carmel Valley in the City of San Diego. The zoning on this property is A1-10.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A022-045.)

MOTION BY MATHIS TO CONTINUE THIS ITEM UNTIL OCTOBER 29, 1996, TO GIVE STAFF A CHANCE TO ANALYZE APPLICANT'S ECONOMIC FEASIBILITY STATEMENT SUBMITTED LAST FRIDAY. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337: TRAILED TO MONDAY, OCTOBER 28, 1996, DUE TO A LACK OF FIVE AFFIRMATIVE VOTES

SUBJECT: The Villages at Stallions Crossing Project.

Consideration of amendments to the General Plan, NCFUA Framework Plan and Local Coastal Program; a Rezone; a Vesting Tentative Map; a Resource Protection Ordinance Permit; and a Public Facilities Financing Plan. The project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program and the City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. The project is also located within the North City Future Urbanizing Area which requires voter approval of proposed amendments to the City's Progress Guide and General Plan to change land use designations from Future Urbanizing to Planned Urbanizing within the NCFUA. As a result, the decision of the City Council and that of the Coastal Commission are subject to the results of the ballot initiative in November. (NCFUA Subarea II.)

(Case-GPA/FPA/LCP/RZ/VTM/RPO/PFFP-95-0196.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems AA - DD and introduce the ordinance in Subitem EE.

Subitem-AA: (R-97-427)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-95-0196 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines. Directing the City Manager to return with appropriate findings, and if necessary, Statement of Overriding Considerations and Mitigation, Monitoring, and Reporting Program.

Subitem-BB: (R-97-435)

Adoption of a Resolution amending the Framework Plan as proposed by the City Manager.

Subitem-CC: (R-97-424)

Adoption of a Resolution approving a reduced project alternative for vesting tentative map, and requiring the applicant to work with Development Services in the appropriate revision of the map.

Subitem-DD: (R-97-425)

Adoption of a Resolution approving a reduced project alternative for permits, and requiring the applicant to work with Development Services in the appropriate revision.

Subitem-EE: (O-97-58)

Introduction of an Ordinance for CA-RR zoning (subject to a phase shift).

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to conditionally deny; was opposition. Refer to the Commissioner's Report in the backup.

Ayes: Anderson, Quinn, Skorepa, Watson, White
Abstaining: Butler Not Present: Neils

There is no officially recognized community planning group for this area. The Planning Commission acts as the Community Group.

SUPPORTING INFORMATION:

The project site is located immediately south of Via de la Valle between San Andres Drive and El Camino Real, just north of the San Dieguito River in the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B416-D102.)

Hearing began at 11:30 a.m. and halted at 12:30 p.m.

Testimony in opposition by Anne Harvey, Jan Fuchs, Opal Trueblood, Craig Adams, Marion Dodson, David Kreitzer, Ramona Salisbury, and Bob Lewis.

Testimony in favor by Jack Gibson, Keith Rhodes, and Roy Collins.

Motion by Mathis to adopt the Manager's Reduced Development Option for purposes of the Phase Shift and introduce Subitem EE with restrictions. With respect to any issue between Mr. Collins and staff in the final list of restrictions, Council reserves the right to make the final decision. Second by McCarty. Failed. Yeas-1,4,7,8. Nays-2,3,6. Not present-5,M.

Deputy Mayor Stallings announced that this item will trail to Monday, October 28, 1996, due to a lack of five affirmative votes.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Stallings at 12:35 p.m.

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, October 22, 1996**

Page 17

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D113-D114).